

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A 350/817/2016

Date of Order: 07.05.2018.

LIBRARY

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Haridas Dey, son of late Prafulla Kumar Dey, aged about 54 years, working as Senior Inspector of Stores Accounts under Chief Accounts Officer (SV), Eastern Railway, Kolkata, residing at 49/7/A Purbachal Main Road, Kolkata - 700078.

---Applicant

-versus-

1. Union of India
through the General Manager,
Eastern Railway, 17, N.S Road, Kolkata - 700001.
2. The Chief Personnel Officer, Eastern Railway,
17, N.S Fairlie Place, Kolkata - 700001
3. The Financial Advisor & Chief Accounts Officer,
Eastern Railway, 17, N.S Road, Kolkata 700001.
4. The Financial Advisor & Chief Accounts Officer (S&G),
17, N.S Road, Kolkata 700001.
5. The Chief Accounts Officer (SV),
Eastern Railway, 17, N.S Road, Kolkata 700001

----Respondents

FOR THE APPLICANT(S): Mr. S.K Datta, Counsel

FOR THE RESPONDENT(S): Mr. M.K Bandyopadhyay, Counsel

ORDER (ORAL)Per Dr. Nandita Chatterjee, Administrative Member:

Heard ld. counsel for the applicant, as well as the respondents.

2. The instant application has been filed seeking the following relief:

"(a) An order holding that the applicant is entitled to HRA and Transport Allowance at Kolkata rate inspite of his joining at Malda for discharge of his duties and denial of the same is arbitrary and illegal.

(b) An order directing the respondents to pay HRA and Transport Allowance at Kolkata rate even after his joining at Malda, i.e since June, 2013.

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(c) An order directing the respondents to produce/cause production of all relevant records.

(d) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper. "

3. Ld. counsel for the respondents submits that reply has been filed on 10.01.2017 in which reasons have been advanced as to why the prayer/relief sought for in the application cannot be considered.

Ld. counsel for the applicant submits that rejoinder has also been filed on 30.06.2017.

Ld. counsel for the applicant further submits that a representation dated 22.03.2016 (Annexure A-2 to the OA), addressed to Respondent No. 5, who is the Chief Accounts Officer, Eastern Railway, Kolkata, is pending for disposal.

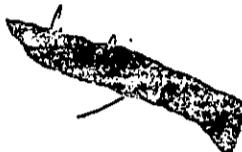
4. Upon examination of the said representation, it appears that the relevant office orders, rules and regulations, however, have not been referred to while praying for HRA and Transport Allowance. Hence, the applicant is given liberty to submit a comprehensive representation duly fortified with the relevant rules/ regulations/office orders as applicable, within 4 weeks from the date of receipt of this order to Respondent No. 5.

5. Further, without entering into the merits of the case, we hereby direct the Respondent No. 5, who is also the Chief Accounts Officer, Eastern Railway, Kolkata, that, once he has received such representation, he shall dispose of the same with a reasoned and speaking order within 4 weeks of the date of receipt of such representation. The reasoned order should be based on the rules and

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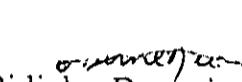
regulations pertaining to respondent authorities and once a decision is arrived at, it should be communicated forthwith to the applicant.

6. In case any decision is arrived at in favour of the applicant, consequent benefits, if any, may be issued within another 6 weeks of the same.
7. With this, the O.A is disposed of. No costs.



(Nandita Chatterjee)

Member (A)



^{or}
(Bidisha Banerjee)

Member (J)

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